

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

251 - 254
Main St.

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 134

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Kelly's Corner**
251 - 255 Main Street
Acton

Date: **6/6/2013**

Enclosed please find the following material regarding the above location:

____ Application for Variance

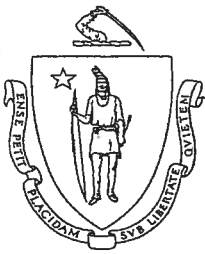
☒ Decision of the Board

____ Notice of Hearing

____ Correspondence

____ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



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NOTICE OF ACTION

RE: Kelly's Corner' 251 - 255 Main Street

Acton

1. A request for a variance was filed with the Board by Kenneth Sundberg (Applicant) on May 13, 2013.
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
23.4.3	Slope of the parking spot is 2.3 to 3%
23.4.6d	Slope of access aisle 2.3 to 3%
22.3.1	Slope of walkway coming from Main Street to the building at one section is reported to be 5.3%
21.3	Cross slope at curb cut reported to be 2.6%

2. The application was heard by the Board as an incoming case on Monday, June 3, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variances to Sections 23.4.3, 23.4.6d, 22.3.1, and 21.3 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: June 6, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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Docket Number

(Office Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: _____

Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.
seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature _____

PLEASE PRINT:

Name _____

Address _____

City/Town _____

State _____

Zip Code _____

E-mail _____

Telephone _____

PLEASE NOTE:

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.

Dempsey, Mark (DPS)

From: Sundberg Property Management [jessicaasundberg@gmail.com]
Sent: Monday, June 03, 2013 9:39 AM
To: Hopkins, Thomas (DPS); Dempsey, Mark (DPS)
Subject: Re: Resend
Attachments: MAAB Images.pdf; ATT00002.txt

Hi Tom & Mark,

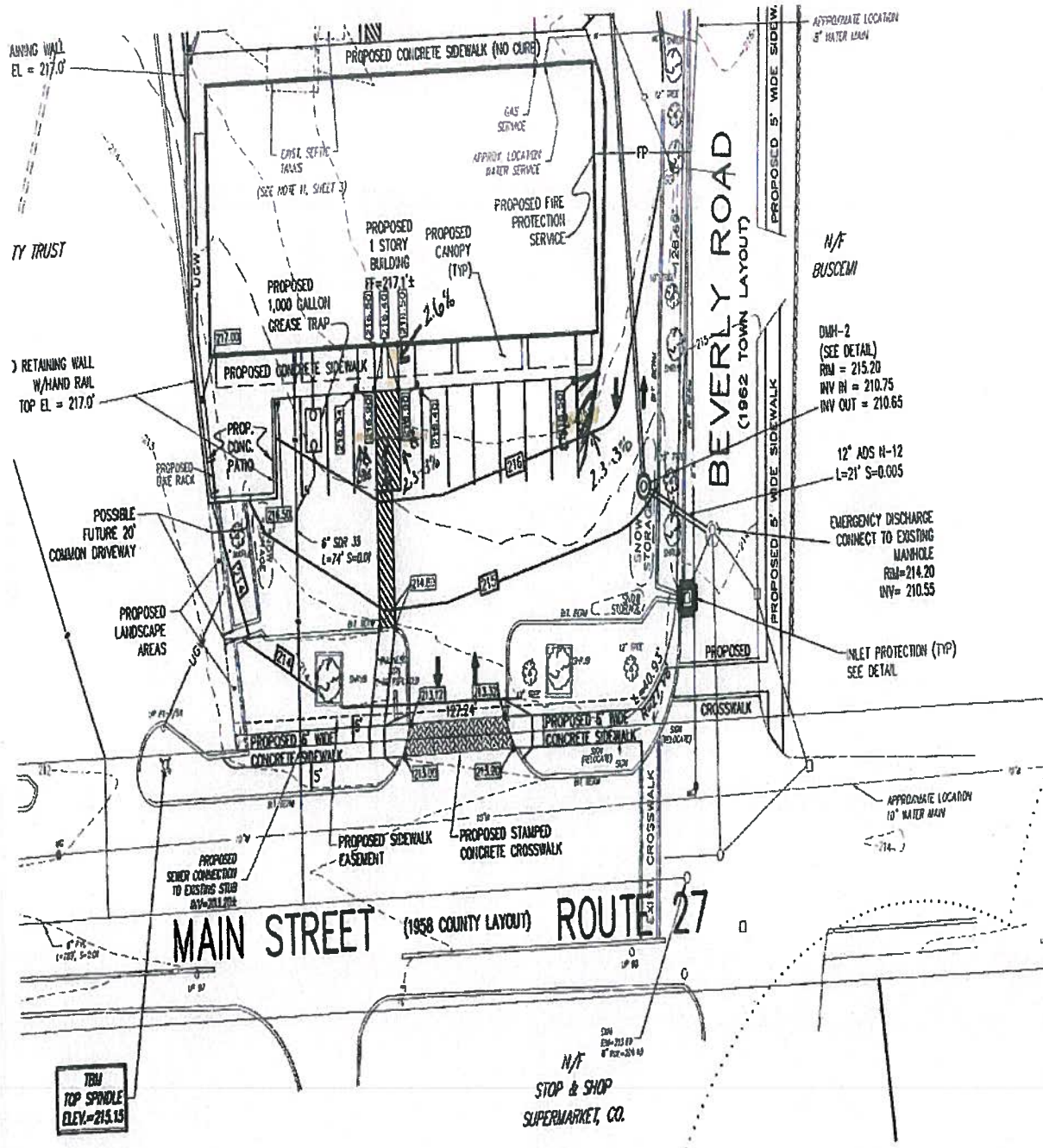
Attached is a PDF of the percentages. I apologize for not including them in the application.

Page 1:

Curb Cut - is 2.6% in a spot
Handicap Spots - 2.3-3%
Handicap Aisle - 2.3-3%

Page 2:

Walk coming from Main St to the Building: 5.3% in one section.



Page #1

14. State the name and address of the architectural or engineering firm including the name of the individual architect or engineer responsible for preparing drawings of the project:
Stamski And McNary, Inc 1000 Main St, Acton, MA 01720 – George Dimakarakos,
P.E.,

E-mail: gd@stamskiandmcnary.com

Telephone: 978-263-8585 ext. 212

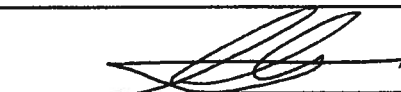
15. State the name and address of the local or state building official responsible for overseeing this project:

Frank Ramsbottom – Building Commissioner 472 Main St, Acton, MA
01720

E-mail: building@acton-ma.gov

Telephone: 978-929-6633

Date: 5/8/13



Signature of owner or authorized agent

PLEASE PRINT:

KENNETH Sundberg

Name

20 HENLEY RD

Address

Acton

City/Town

MA

State

01720

Zip Code

KENNETH.SUNDBERG@GMAIL.COM

E-mail

978-815-3560

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Kenneth Sundberg, as Project Owner for the Petitioner

submit a variance application

filed with the Massachusetts Architectural Access Board on May 8th 2013.

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

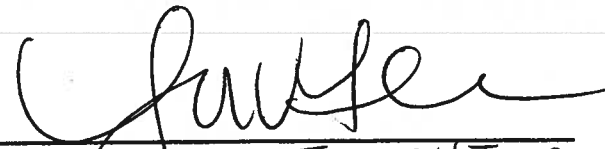
	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Building Dept 472 Main St Acton, MA	Hand Delivered	May 10 th 2013
2	Commission of Disability 472 Main St Acton, MA 01720	Hand Delivered	May 10th 2013 May 10 th 2013
3	Mass Architectural Access Board 1 Ashburton Place, Room 1310 Boston, MA 02108	Air Mail	May 10 th 2013

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.


Signature: Appellant or Petitioner

On the 9th Day of May 20 13.
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

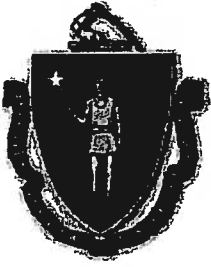
Kenneth Sundberg
(Type or Print the Name of the Appellant)


NOTARY PUBLIC Jamie V Tomc.



JAMIE V. TOMC
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 10, 2015

MY COMMISSION EXPIRES



The Commonwealth of Massachusetts

Department of Public Safety

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APPLICATION FOR VARIANCE **Curb cuts/sidewalks**

In accordance with M.G.L., Chapter 22, Section 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the location(s) described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
- 2) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the project:

Kenneth Sundberg

E-mail: SundbergPropertyManagement@gmail.com

Telephone: 978-815-3560

2. State the exact location of the area in question (e.g. Northwest corner of Main St. and Broadway) (use additional sheets if necessary):

251-255 Main St, Acton, MA 01720 Kelley's Corner (intersection of Main St & Beverly Rd – Across from The Big K and next to The Acton Bowladrome.

3. Describe the project (e.g. complete reconstruction of Rt. 20 from Main St. to Broadway):
An addition consisting of two commercial units was constructed next to the existing building located at 251-255 Main St in Acton MA.

4. Check the work performed or to be performed: We added an addition to our previously established building.

X New Construction X Reconstruction/Alteration Repair

5. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

We added an additional 3050 Square Feet to our existing building of 3700 Square Feet. We added additional parking in the rear of the units as well as a new concrete walk that wraps around ¾'s of the building. The parking previously located in the front of the building was reconstructed per MAAB Codes. We also added a sidewalk Parallel to Main St that allows community members to walk safely from property to property. A concrete walk was constructed across the front parking lot to allow community members to safely enter the property.

6. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

6a. Check appropriate regulations:

1996 Regulations 2002 Regulations 2006 Regulations

SECTION NUMBER

LOCATION OR DESCRIPTION

23.4.3
23.4.6.d
22.3.1
21.3

3 Front Handicap Spots
2 Front Access Aisles
Walk connecting Building to Main St Walk
Curb cut between OrangeLeaf and Subway

7. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

3 Front Handicap Spots – In a section of the Handicap spots in the front of our lot, there are some places where the slope exceeds 2%. In order to bring a small section of the Handicap spots down no more than 2%, we will need to rip up the new asphalt, try to bring down the earth slightly and repave the whole front lot. Due to a preexisting building, topography of the location of the building, the distance between the preexisting building and Main St and limitations on material used, the Parking lot was constructed within MAAB Codes to the best of our abilities. To make the parking lot look more unified, we took the extra step and we did our best to construct all of the front parking spots within the 2% slope. Once the topography has been brought down, we will need to reconstruct the concrete walk connecting the building to the concrete walk along Main St.

2 Front Access Aisles – There are some places in the two front Access Aisles where the slope exceeds the 2%. Like the process for the Handicap Spots, we would need to rip up the new asphalt, try to bring down the earth slightly and repave the whole front lot. Due to a preexisting building, topography of the location of the building, the distance between the